

**U.S. Department of Justice***United States Attorney
Southern District of New York**86 Chambers Street
New York, New York 10007*

February 23, 2024

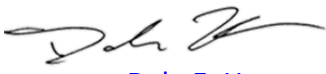
By ECF

The Honorable Dale E. Ho
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. The final pretrial conference scheduled to take place on March 8, 2024, is **ADJOURNED *sine die***, pending the Court's decision on the parties' cross-motions for summary judgment. Defendants shall submit a reply by **March 11, 2024**.

SO ORDERED. The Clerk of Court is respectfully requested to terminate ECF No. 32.

Re: *United States of America v. Hendler et al.*, 23 Civ. 3280 (DEH)


Dale E. Ho
United States District Judge
New York, New York
Dated: March 4, 2024

Dear Judge Ho:

This Office represents the United States of America (the "Government"), in the above-referenced action brought pursuant to 31 U.S.C. §§ 3711(g)(4)(C) and 5321(b)(2), based on the failure of deceased taxpayer David Benishai to file Reports of Foreign Bank and Financial Accounts informing the Government of his interest in foreign financial accounts in tax years 2004 to 2010. The action is brought against defendants Hanna Hendler, Mr. Benishai's widow and the executor and beneficiary of his estate, and Danielle Benishai, Mr. Benishai's daughter and another estate beneficiary (together, "Defendants"). The parties write jointly to respectfully request (i) that Defendants be permitted to submit a reply brief, on or before March 8, 2024, in response to the Government's opposition to Defendants' Motion for Summary Judgment; and (ii) that the final pretrial conference scheduled for March 8, 2024, be adjourned until after the Court decides the parties' cross-motions for summary judgment.

The reason for the first request is that the initial briefing schedule ordered by the Court did not include a deadline for Defendants to respond to the Government's opposition to their cross-motion for summary judgment. Defendants therefore respectfully request that they be permitted to submit a reply on or before March 8, 2024.

In addition, the parties respectfully request that the final pretrial conference scheduled for March 8, 2024, be adjourned until after the Court decides the parties' cross-motions for summary judgment because the parties submit that it is premature to have the final pretrial conference at this juncture while the motions are pending.

The parties thank the Court for its consideration of these requests.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

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cc: Defendants' Counsel (via ECF)